



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

CM

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/818,092

03/26/2001

Charles Guthrie

2102330-991110

2840

7590

02/02/2004

Suzanne Decker

Chapter 7 Trustee, Digital Reflections Inc.

Wendel Rosen Black & Dean

1111 Broadway, 24th Floor

Oakland, CA 94607

EXAMINER

LEE, BENNY T

ART UNIT

PAPER NUMBER

2817

DATE MAILED: 02/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

FILED DATE

69/818092

ARTICLE

OWNER

DATE RECEIVED

IN THE OFFICE OF THE COMMISSIONER OF PATENTS AND TRADEMARKS

☐ This application has been examined ☒ Responsive to communication filed on 10 June 2003 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire Three (3) month(s), days from the date of this letter. Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice re Patent Drawing, PTO-948. |
| 3. <input checked="" type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152 |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 1, 2, 4-7, 9-17, 19-24, 26-61 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☒ Claims 3, 8, 18, 25 have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 1, 2, 4, 5; 6, 7, 9-14; 15-17, 19-24, 26-31; 32-39; 40-53; 54-61 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. ☒ The proposed additional or substitute sheet(s) of drawings, filed on 10 June 2003, has (have) been ☒ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

Art Unit: 2817

Claims 4, 5; 9, 10, 14; 15-17, 19-24, 26-31; 32-39; 40-53 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 4, 9, 15, 32, 40, note that it remains unclear, if the “waveguide structure” and “housing” are provided as “a single, integrated structure”, how/why can the “housing” be comprised of another/different “ceramic material”. Clarification is still needed.

The following claims have been found objectionable for reasons set forth below:

In claims 10, 14, note that “other” should be rewritten as --another-- for consistency of description.

In claims 15, 16, note that “formed from” should be rephrased as --comprised of-- to avoid the inappropriate method connotation.

In claim 24, line 4; claim 32, line 8; claim 40, line 5: note that a --,-- should follow “discharge”, light, and “energy”, respectively.

In claim 52, note that “is coated with” should be rephrased as --has a coating of-- to avoid the inappropriate method connotation.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 2, 4, 5; 6, 7, 11; 15-17, 20, 23; 24, 26, 27, 29; 32-34, 36; 40-42, 44, 47, 48; 54, 55, 57-59 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Espiau et al (of record).

Art Unit: 2817

Note that the Espiau et al publication qualifies as prior art under 35 USC 102(e)(1) since the effective “reference date” (i.e. 31 July 2000) precedes the earliest “date of invention” (i.e. 9 August 2000) for the subject matter being met by the Espiau et al reference. In other words, the “waveguide structures” claimed by applicants were first disclosed in the provisional applications filed 9 August 2000. Accordingly, the “waveguide structures” would have been properly rejectable under 35 USC 102(e)(1) by the disclosure in the Espiau et al publication whose effective reference date of 31 July 2000 precedes the earliest date of disclosure of the “waveguide structures”.

In particular, Espiau et al (Fig. 1) discloses a plasma lamp structure comprising a “housing” (i.e. bulb) structure (105) for containing a plasma medium when excited by microwave exciter or “antenna” (117). A dielectric waveguide (103) serves as a medium for coupling and transmitting the microwave energy from exciter (117) to excite the plasma in the housing. Note from Fig. 1 that the housing and the dielectric waveguide are arranged such as to be a single integrated structure. Note that both the housing and dielectric waveguide can be respectively comprised of various ceramic materials (e.g. alumina). Moreover, a sapphire window (paragraph 0043) is provided to seal off the plasma in the housing as well as to permit light to exit the lamp. Furthermore, the waveguide and excited microwave signals can provide a resonant cavity effect (see paragraph 0049).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2817

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C: 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 9, 10, 12-14; 19, 21, 22; 35, 37-39; 56, 60, 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Espiau et al (of record).

Espiau et al meets the claimed invention except for certain ceramic materials being titanates and that the housing and waveguide being of different ceramic materials.

Accordingly, it would have been obvious to have realized the ceramic material in the waveguide of the lamp structure as being of various titanates such as claimed. Such a modification would have been considered obvious since Espiau et al specifically suggests "titanates" as ceramic materials suitable for the waveguide. Also, although Espiau et al does disclose that in one embodiment, "the ceramics in the bulb are the same material used in waveguide 103", this does obviously suggest that for other embodiments, the ceramics of the

Art Unit: 2817

bulb and the waveguide need not be the same, and as such would have suggested such a modification.

Applicant's arguments with respect to claims 1-4; 6-9, 15, 17, 18, 23; 24, 27-29 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to Benny Lee at

571 272 1764
telephone number ~~571 272 1764~~.

Lee/ek

12/30/03


BENNY T. LEE
PRIMARY EXAMINER
ART UNIT 2817